

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JOHN J. REZNICKCHECK,)	CASE NO. 3:05 CV 7095
)	
Plaintiff,)	Chief Judge James G. Carr
)	
v.)	
)	<u>OPINION AND ORDER</u>
CHARLES S. WITTENBURG, Judge,)	
)	
Defendant.)	

On March 9, 2005, plaintiff pro se John J. Reznickcheck filed this action under 42 U.S.C. § 1983 against Ohio Court of Common Pleas Judge Charles S. Wittenburg. The complaint alleges that Judge Wittenburg denied a motion for transcripts to appeal the denial of a motion to withdraw a 1997 plea. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who

is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

Judges are immune from liability for actions taken within the scope of their official duties. Pierson v. Ray, 387 U.S. 547 (1967). There is no suggestion in the complaint that Judge Wittenburg acted outside the scope of his official duties with regard to the actions of which plaintiff complains. Further, to the extent plaintiff is seeking to challenge the fact or duration of his physical imprisonment, his sole federal remedy is a writ of habeas corpus. Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed under section 1915A. Further, the court certifies, pursuant 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

SO ORDERED.

S/ JAMES G. CARR
Chief Judge